

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1327 of 2016**

- State Of Chhattisgarh Through The Police Station Kurud, Dhamtari, District Dhamtari, Chhattisgarh.

**----Petitioner**

**Versus**

- Puneshwar Yadav S/o Chhabi Lal Yadav Aged About 32 Years R/o Village Donar - Devari, Police Station Kurud, District Dhamtari, Chhattisgarh.

**---- Respondent**

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For the Petitioner/State :- Ms. Hamida Siddiqui, Dy. AG.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Hon'ble Smt. Justice Vimla Singh Kapoor,**

**Order on Board by Justice Manindra Mohan Shrivastava J.**  
**04.01.2021**

Heard on prayer for grant of leave to appeal.

2. There is application for condonation of delay (IA No.1) in this appeal.

3. Taking into consideration the reasons mentioned in the application and the cause shown, delay in filing the appeal is condoned.

4. Taking into consideration the submission of learned State counsel that despite clinching evidence of the prosecutrix her husband has also prompt FIR regarding commission of offence of rape supported from forensic evidence of presence of spermatozoa in the vaginal slide of the prosecutrix collected soon after the incident, acquittal has been ordered, we are inclined to grant leave to appeal. Accordingly, application is allowed.

5. Let the appeal filed by the State be registered as Acquittal Appeal and be listed for further orders.

CRMP is accordingly disposed off.

*Sd/-*  
(Manindra Mohan Shrivastava)  
Judge

*Sd/-*  
(Vimla Singh Kapoor)  
Judge

*Ajay*